

REMARKS

Claims 1, 2, 3, 7 and 9 – 13 and 20 - 26 are currently pending in this application.

Objections to the Claims

The objections to claims 21 and 24 are now moot in view of the amendments to those claims.

Rejection to the Claims under 35 USC 112, second paragraph

The rejections to claims 21, 22, 24 and 25 are now moot in view of the amendments to those claims.

Rejections under 35 USC §102(b)

Claims 1, 2 and 7 were rejected under 35 USC 102(b) as being anticipated by Fromm. From discloses a handbag having an outer cover with a removable lining pouch. The removable lining pouch is only usable with a separate outer cover. There is no disclosure, suggestion or teaching of using the inner lining pouch as a separate handbag without the use of an outer cover.

Claim 1 requires the limitation of the inner handbag being usable without an outer cover. Fromm clearly does not anticipate this limitation. Claim 1 also requires the limitation that the inner handbag have a durable outer cover. Fromm not only does not disclose this feature but teaches away from that limitation in disclosing an inner lining pouch having a silk outer surface.

The law is well settled that in order for a reference to anticipate under 35 USC 102, every element must be disclosed with sufficient clarity to enable one skilled in the art to be enabled. This is not the case here. Fromm fails to adequately disclose the claimed invention as described above. Since Fromm fails to disclose each element of claim 1, claims 1, 2 and 7 should be allowable.

Additionally, Fromm does not disclose the handbag having upper flaps that engage the handbag outer cover to fasten the handbag and the cover together.

Rejections under 35 U.S.C. §103(a)

Claim 20 was rejected as obvious over the Fromm reference in further view of Rosenberg. There is no disclosure of the claimed limitations nor is there any disclosed suggestion, teaching or motivation for modifying the devices of the above references to achieve the claimed limitations of claim 20.

Rosenberg fails to disclose an inner handbag that may be used without an outer cover. Claim 20 specifically requires that limitation. As stated by the Federal Circuit in *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992), "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." This is the situation here. There is no suggestion, teaching or disclosure of providing an inner handbag having a durable cover and that is removable from the outer handbag for separate use by itself. Claim 20 is thus allowable.

Claims 1, 2, 7, 9, 12 and 26 were rejected as being unpatentable over Salz in view of Fromm. Both Salz and Fromm fail to disclose a handbag having an inner handbag with a durable cover that may be used with an outer cover or without the outer cover. There is no teaching in either reference of these limitations or any suggestion of doing so. Instead, both references teach away from these limitations by disclosing only an inner lining that must be used with an outer cover. As discussed above and in accordance with well settled law, there must be a suggestion, teaching or disclosure of a modification or a suggestion in the prior art of the desirability of the modification. There is no such suggestion in this instance. Claims 1, 2, 7, 9, 12 and 26 are thus allowable.

Claims 1, 3 and 9 – 11 were rejected under 35 USC 103(a) as unpatentable over Sutton in view of Fromm. Again, neither Sutton or Fromm discloses an inner handbag having a durable cover that may be used with or without an outer cover. Thus, claims 1, 3 and 9 – 11 are allowable.

Claims 13 and 23 were rejected under different references discussed above in view of Smith. As discussed above none of the references disclose an inner handbag having a durable cover that may be used with or without an outer cover. For these reasons alone, these claims are

allowable. Further, none of these references, including Smith, disclose reinforcement tabs that are in the shape and design of the zipper pull tabs of the handbag. These claims are clearly allowable over the prior art.

The pending claims are now considered to be in condition for allowance. An early Notice of Allowance is hereby respectfully requested.

The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

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